

UNITED STATES DISTRICT COURT **FILED**
for the
Western District of Texas
September 03, 2024
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

United States of America

v.

BY: SL
DEPUTYCase No. **1:24-mj-560-DH**MARCELL LAMONT KENNEDY*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 17, 2024 in the county of Travis in the
Western District of Texas, the defendant(s) violated:

*Code Section**Offense Description*

18 U.S.C. § 1708

Mail Theft

18 U.S.C. § 2

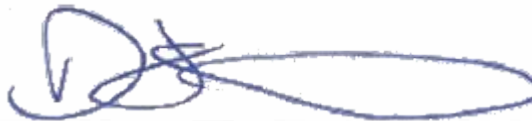
Aiding and Abetting

This criminal complaint is based on these facts:

See the attached affidavit.

☒ Continued on the attached sheet.*Complainant's signature*James Kim, U.S. Postal Inspector*Printed name and title*

- ☐ Sworn to before me and signed in my presence.
☒ Sworn to telephonically and signed electronically.

Date: September 3, 2024City and state: Austin, Texas*Judge's signature*Hon. Dustin Howell/U.S. Magistrate*Printed name and title*

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, James Kim, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

Introduction

1. I am a United States Postal Inspector with the United States Postal Inspection Service (USPIS), and I have been so employed since 2017. I am currently assigned to the Austin Multi-Function Team for the Houston Division, and I am responsible for investigating mail theft, robberies, burglaries, threats, assaults, financial crimes, and identity theft cases involving the United States Postal Service.

Probable Cause

2. As part of my duties as a Postal Inspector, I am investigating MARCELL KENNEDY (KENNEDY) and REGINALD KIMBROUGH (KIMBROUGH), who are identified as part of an ongoing investigation in Austin, Texas involving the robbery of an arrow key from a United States Postal Service (USPS) mail carrier.
3. In and around April 2024, Postal Inspectors responded to a robbery of a USPS city mail carrier from the Oak Hill Post Office in Austin, Texas. Two black male subjects approached the carrier and robbed the carrier (Victim-1) of a USPS arrow key¹ by physical assault. Shortly thereafter, I executed a federal search warrant on the three major cellular network providers, including T-Mobile, Verizon, and AT&T, for cellular data from the nearest cellular towers that serviced the robbery location. I

¹ USPS arrow keys are specific keys that are only to be used by USPS employees, more specifically carriers and supervisors, to deliver mail to gated neighborhoods, apartments, and community mailboxes. It allows the carrier to access the entire box or apartment panel and deliver mail to the appropriate customers before locking them back and moving on with their route.

discovered multiple cellular devices including a registered device to MARCELL KENNEDY and a registered device to REGINALD KIMBROUGH, that were both identified in the location during the time of the robbery. I executed a federal search warrant that authorized the government to obtain, among other things, prospective location data for both KIMBROUGH and KENNEDY's cellular devices. Responsive cell ping data showed that, from April until present, both devices travelled from Houston to Austin approximately nine times, corresponding with times that mail was stolen at Circle C Ranch, a residential community in Austin that is approximately 3 miles south of the robbery location.

4. I reviewed law enforcement databases and discovered KENNEDY has a felony conviction for aggravated robbery in 2014 in Houston, Texas. In addition, I discovered through law enforcement databases that KENNEDY is currently being investigated by the United States Postal Inspection Service in Houston, Texas, related to theft of mail, including mail stolen from neighborhood collection boxes and USPS blue collection boxes.
5. Beginning in April 2024 and continuing until July 2024, KENNEDY was observed on surveillance footage stealing mail at Circle C Ranch. I observed KENNEDY and KIMBROUGH'S cellular ping data travel from Houston to Austin. Contemporaneous to their pings in the Circle C Ranch area, KENNEDY was observed on surveillance video, exiting the passenger side of several different SIXT rental vehicles along with a black male as the driver. I later discovered the vehicles were rented in KENNEDY's name, date of birth, and home address listed on his Texas driver's license.
6. I reviewed a Circle C Ranch mail theft video from April 8, 2024, depicts KENNEDY

exit the passenger side door of a newer model tan Mini Cooper Countrymen, later identified as a SIXT rental rented with KENNEDY'S home address and possibly his family relatives' information who reside at the same home address, with three individuals inside parked by the Circle C Ranch community mail room. This vehicle is consistent with Victim-1's description of the robbery suspect vehicle and video surveillance images gathered during the investigation. In this video, I observed a black male driver with consistent facial features of KIMBROUGH from his Texas Driver's license photo and photos of him on social media.

7. I reviewed several complaints of mail theft caught on video surveillance on April 8, 21, and 29; May 7, 12, 15, and 20; June 3 and 13, and July 17, 2024, from Circle C Ranch. I reviewed known photos of KENNEDY and compared them to the Circle C Ranch mail theft surveillance videos. The suspect in the video has facial characteristics and physical stature that are consistent with KENNEDY's. The surveillance videos clearly depict KENNEDY, stealing mail on approximately ten occasions utilizing an arrow key at Circle C Ranch located in Austin, Texas, to obtain unsuspecting victim's checks leading your affiant to believe for the purpose of committing financial crimes.
8. Beginning in July 2024 and continuing until August 2024, KIMBROUGH was observed on surveillance footage stealing mail utilizing an arrow key at Circle C Ranch located in Austin, Texas. KENNEDY's cell phone pings stayed in the Houston area and he was not seen in the Circle C Ranch mail theft videos. KIMBROUGH was seen on video surveillance approximately five times on July 25; August 1, 5, 19, and 22, 2024, stealing mail utilizing an Arrow Key at Circle C Ranch. KIMBROUGH

appears to be a repeated mail thief who has been stealing mail while driving a silver 2016 Cadillac ATS (SUBJECT VEHICLE) and utilizing a stolen arrow key to obtain unsuspecting victim's checks to commit financial crimes. Based on my training and experience, an Arrow Key is the only type of key that can open the type of mailboxes that were depicted in the Circle C Ranch videos.

9. In and around August 2024, a Texas Department of Public Safety (DPS) Trooper was patrolling in the area of IH-10 and MM-661 westbound within Fayette County, Texas when the SUBJECT VEHICLE (bearing a temporary Texas license plate) was observed traveling westbound on IH-10 towards San Antonio, Texas. The DPS Trooper ran the temporary license plate, and the query returned no information associated to any vehicle. The DPS Trooper stopped the SUBJECT VEHICLE and identified the driver as KIMBROUGH. To further the investigation, the DPS trooper received consent to search the SUBJECT VEHICLE. During the subsequent search, the DPS trooper recovered nine checks and money orders in different people's names, one check specifically belonging to an identified victim of the Circle C Ranch mail thefts in Austin, Texas. KIMBROUGH claimed everything in the vehicle was his. In addition, the DPS Trooper conducted a search of his person and recovered a small bag of marijuana and two credit cards not in his name. KIMBROUGH is currently pending charges for the possession of stolen checks and other access devices in Fayette County.
10. I conducted an interview with KIMBROUGH at the Fayette County Jail. I was able to verify that the cellular device in his possession during this interview had the same telephone number as the phone number I have been monitoring for the cellular pings.

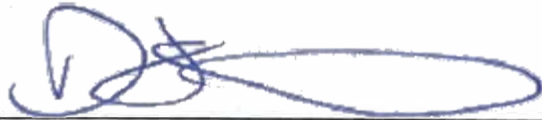
11. Based upon the foregoing, I submit there is probable cause to believe that

MARCELL KENNEDY and **REGINALD KIMBROUGH** did aid and abet each other to steal U.S. Mail utilizing a U.S. arrow key in violation of 18 U.S.C. § 1704 and did steal U.S. Mail out of an USPS blue collection box (designated mail repository) in violation of 18 U.S.C. § 1708 and 18 U.S.C. § 2.



James Kim
U. S. Postal Inspector
United States Postal Inspection Service

Signed electronically and sworn telephonically on this 3rd day of September 2024.



HON. DUSTIN HOWELL
UNITED STATES MAGISTRATE JUDGE
WESTERN DISTRICT OF TEXAS